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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,777	01/06/2000	JOANNE S. WALTER	8998	2149

26884 7590 04/12/2005

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EXAMINER
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BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/478,777

Applicant(s)

WALTER, JOANNE S.

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-9,11-17,19,20 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-17,19,20 and 27-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 1/13/2005 has been entered.

***Response to Amendment***

Amendment received on 10/29/2004 is acknowledged and entered. Claims 2, 10, 18 and 21-26 have previously been canceled. Claims 35-37 have been amended. Claims 1, 3-9, 11-17, 19, 20 and 27-37 are currently pending in the application.

***Claim Rejections - 35 USC § 112***

Claim Rejections under 35 USC § 112 have been withdrawn due to the applicant's amendment.

***Claim Objections***

Claims 27-37 are objected to because of the following informalities:

Preambles of independent Claims 27, 35, 36 and 37 contain the word "security", which is not in-line with body of the Claims. Appropriate correction is required.

The remaining Claims are objected to as being dependent on the independent Claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been

obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-9, 11-17, 19-20, 27-34 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (US 5,083,638) in view of Sato (US 5,949,854) and further in view of Masson et al. (US 4,908,850).**

Schneider teaches a method and system for automated point-of-sale machine, comprising:

*Independent Claims.*

**As per Claims 1, 9 and 17,**

- generating a first voice instruction and first tonality signals, which instructs a user in regard to operation of the retail terminal (column 11, lines 24-33; column 12, line 23);
- determining if said user performs a first activity and generating a proper-response control signal in response thereto (column 11, lines 33-36);
- generating an appropriate second voice instruction and second tonality signals, which instructs a user in regard to operation of the retail terminal prior to generation of the proper-response control signal (column 11, lines 33-36; column 12, line 23);
- determining if said user performs a second activity and generating an improper-response control signal in response thereto (column 15, lines 13-28);
- generating a third voice instruction and third tonality signals, which instructs a user in regard to operation of the retail terminal in response to generation of said improper-response control signal (column 15, lines 13-28; column 12, line 23).

However, Schneider does not specifically teach that said voice instructions are generated in various voice types. Also, Schneider does not specifically teach that said "instructing a user" is conducted if a predetermined amount of time lapses subsequent to generation of the first voice instruction.

Sato teaches a voice response service method and system for changing a voice quality in accordance with an operation environment of a target user, comprising a tone

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controller for selecting a tone of the voice responses, and an intonation generating circuitry (portion) for generating intonation patterns (column 9, lines 38-45; column 1, line 14).

Masson et al. teach a method and system for voice services network with automated billing, including monitoring a user interaction with a terminal (computer), wherein a user is verbally prompted for the user's account number, and wherein if the user does not perform the required action within a predetermined length of time, the user is verbally prompted second time (column 6, lines 54-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schneider to include a voice type and voice inflection selection capability, as taught by Sato, because it would advantageously improve the performance of the system by alerting customer of his/her improper interaction with the system by changing the voice tone and intonation of the instructions. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schneider and Sato to include instructing a user if a predetermined amount of time lapses subsequent to generation of the first voice instruction, as taught by Masson et al., because it would advantageously help inexperienced users to properly conduct the transaction.

**As per Claim 27, Schneider teaches:**

- generating a first voice instruction and first tonality signals, which instructs a user in regard to operation of the retail terminal (column 11, lines 24-33; column 12, line 23);
- determining if said user performs a first activity and generating a proper-response control signal in response thereto (column 11, lines 33-36);
- generating an appropriate second voice instruction and second tonality signals, which instructs a user in regard to operation of the retail terminal prior to generation of the proper-response control signal (column 11, lines 33-36; column 12, line 23);
- determining if said user performs a second activity and generating an improper-response control signal in response thereto (column 15, lines 13-28).

However, Schneider does not specifically teach that said voice instructions are generated in various voice types. Also, Schneider does not specifically teach that said "instructing a user" is conducted if a predetermined amount of time lapses subsequent to generation of the first voice instruction.

Sato teaches a voice response service method and system for changing a voice quality in accordance with an operation environment of a target user, comprising a tone controller for selecting a tone of the voice responses, and an intonation generating circuitry (portion) for generating intonation patterns (column 9, lines 38-45).

Masson et al. teach a method and system for voice services network with automated billing, including monitoring a user interaction with a terminal (computer), wherein a user is verbally prompted for the user's account number, and wherein if the user does not perform the required action within a predetermined length of time, the user is verbally prompted second time (column 6, lines 54-60; column 1, line 14).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schneider to include a voice type and voice inflection selection capability, as taught by Sato, because it would advantageously improve the performance of the system by alerting customer of his/her improper interaction with the system by changing the voice tone and intonation of the instructions. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schneider and Sato to include instructing a user if a predetermined amount of time lapses subsequent to generation of the first voice instruction, as taught by Masson et al., because it would advantageously help inexperienced users to properly conduct the transaction.

**As per Claim 36, Schneider teaches:**

- generating a first voice instruction and first tonality signals, which instructs a user to perform a task during a transaction by said retail terminal (column 11, lines 24-33; column 12, line 23);
- determining if said user performs said task (column 11, lines 33-36);

- determining if said user performs a second activity and generating an improper-response control signal in response thereto (column 11, lines 33-36);

- generating an improper-response control signal in response to determining if said user fails to perform the task (column 15, lines 13-28),

wherein said system is configured to ensure that no unauthorized products are fraudulently placed on the storage scale or in the bags (column 21, lines 44-46).

However, Schneider does not specifically teach that said voice instructions are generated in various voice types. Also, Schneider does not specifically teach that said "instructing a user" is conducted if a predetermined amount of time lapses subsequent to generation of the first voice instruction.

Sato teaches a voice response service method and system for changing a voice quality in accordance with an operation environment of a target user, comprising a tone controller for selecting a tone of the voice responses, and an intonation generating circuitry (portion) for generating intonation patterns (column 9, lines 38-45).

Masson et al. teach a method and system for voice services network with automated billing, including monitoring a user interaction with a terminal (computer), wherein a user is verbally prompted for the user's account number, and wherein if the user does not perform the required action within a predetermined length of time, the user is verbally prompted second time (column 6, lines 54-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schneider to include a voice type and voice inflection selection capability as taught by Sato, because it would advantageously improve the performance of the system by alerting customer of his/her improper interaction with the system by changing the voice tone and intonation of the instructions. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schneider and Sato to include instructing a user if a predetermined amount of time lapses subsequent to generation of the first voice instruction, as taught by Masson et al., because it would advantageously help inexperienced users to properly conduct the transaction.

Language as to “*wherein the second voice type ... conveys an impression of seriousness to the self-service customer*” is given no patentable weight. MPEP 2106 (II) (C) states: “*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*”

**As per Claim 37, Schneider teaches:**

- generating a first voice instruction and first tonality signals, which instructs a user to perform a task during a transaction by said retail terminal (column 11, lines 24-33; column 12, line 23);
  - determining if said user performs said task (column 11, lines 33-36);
  - determining if said user performs a second activity and generating an improper-response control signal in response thereto (column 11, lines 33-36);
  - generating an improper-response control signal in response to determining if said user fails to perform the task (column 15, lines 13-28),
- wherein said system is configured to ensure that no unauthorized products are fraudulently placed on the storage scale or in the bags (column 21, lines 44-46).

However, Schneider does not specifically teach that said voice instructions are generated in various voice types. Also, Schneider does not specifically teach that said “instructing a user” is conducted if a predetermined amount of time lapses subsequent to generation of the first voice instruction.

Sato teaches a voice response service method and system for changing a voice quality in accordance with an operation environment of a target user, comprising a tone controller for selecting a tone of the voice responses, and an intonation generating circuitry (portion) for generating intonation patterns (column 9, lines 38-45).

Masson et al. teach a method and system for voice services network with automated billing, including monitoring a user interaction with a terminal (computer), wherein a user is verbally prompted for the user’s account number, and wherein if the user does not perform the required action within a predetermined length of time, the user is verbally prompted second time (column 6, lines 54-60).



It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schneider to include a voice type and voice inflection selection capability as taught by Sato, because it would advantageously improve the performance of the system by alerting customer of his/her improper interaction with the system by changing the voice tone and intonation of the instructions. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schneider and Sato to include instructing a user if a predetermined amount of time lapses subsequent to generation of the first voice instruction, as taught by Masson et al., because it would advantageously help inexperienced users to properly conduct the transaction.

Language as to *"wherein the second voice type ... conveys an impression to the self-service customer that the self-service customer is illicitly operating the terminal"* is given no patentable weight. MPEP 2106 (II) (C) states: *"Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation."*

**Dependent Claim.**

**As per Claims 3, 11, 19 and 29**, Schneider teaches said method and system, wherein, when "Main Algorithm" determines that a user performs an improper activity, an image of personnel-needed situation is displayed to a supervisor so that the supervisor can interfere (Figs. 4a-4d; column 8, lines 55-68; column 15, lines 8-31).

**As per Claims 4, 12, 20 and 30**, Sato teaches said apparatus and method, comprising a volume controller which sets a volume level of a voice response (column 18, lines 36-38).

**As per Claims 5, 7, 13, 15, 31 and 33**, Sato teaches said apparatus and method, comprising an intonation generating portion which generates the intonation pattern indicating the voice pitch (column 9, lines 38-45).

**As per Claims 6, 8, 14, 16, 32 and 34**, Sato teaches said apparatus and method, comprising a tone controller wherein voice quality of the voices can be at least one of a male voice and a female voice (column 3, lines 9-11).

**As per Claim 28**, Schneider teaches generating a third voice instruction in a third voice tonality, which instructs a user in regard to operation of the retail terminal in response to generation of said improper-response control signal (column 15, lines 13-28).

**Independent Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider in view of Sato.**

Schneider teaches said method and system for automated point-of-sale machine, comprising:

**As per claim 35,**

- generating a first voice instruction in a first voice type, which instructs a user to perform a task during a transaction by said retail terminal (column 11, lines 24-33);
- determining if said user performs the task (column 11, lines 33-36);
- generating an improper-response control signal in response to determining if said user fails to perform the task (column 15, lines 13-28),

wherein said system is configured to ensure that no unauthorized products are fraudulently placed on the storage scale or in the bags (column 21, lines 44-46).

Schneider does not specifically teach a voice type of voice instructions, and does not teach that instructing a user if a predetermined amount of time lapses subsequent to generation of the first voice instruction.

Sato teaches a voice response service method and system, comprising a tone controller for selecting a tone of the voice responses, and an intonation generating circuitry (portion) for generating intonation patterns (column 9, lines 38-45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schneider to include a voice type and voice inflection selection capability as taught by Sato, because it would advantageously improve the performance of the system by alerting customer of his/her improper interaction with the system by changing the voice tone and intonation of the instructions.

Language as to "*wherein the second voice type ... conveys an impression of seriousness to the self-service customer*" is given no patentable weight. MPEP 2106 (II) (C) states: "*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*"

### ***Response to Arguments***

Applicant's arguments filed 1/13/2005 have been fully considered but they are not persuasive.

In response to applicant's argument's that the prior art fails to disclose generating different voice instructions of different types during a transaction with a customer based upon *proper, improper or untimely* responses from the customer, it is noted that Schneider was applied to show generating a voice instruction which instructs a user to perform a task during a transaction (C. 11, L. 24-33); and generating an improper-response control tonality signal in response to determining if said user fails to perform the task (C. 15, L. 13-28). Sato was applied to show selecting a tone of the voice responses, and generating an intonation for generating intonation patterns in customer service applications (C. 9, L. 38-45). Masson et al. was applied to show verbally prompting a user for a task, and wherein if the user does not perform the task within a predetermined length of time, the user is verbally prompted second time (column 6, lines 54-60).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

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references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Schneider, Sato and Masson et al. relate to use of voice generation technologies in customer service applications. The motivation to combine Schneider with Sato would be to improve the performance of the system by alerting customer of his/her improper interaction with the system by changing the voice tone and intonation of the instructions. And motivation to combine Schneider and Sato with Masson et al. would be to help inexperienced users to properly conduct the transaction (See discussion above).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649 before April 13, 2005, and (571) 272-6801 after that date.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist before April 13, 2005, whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308-2702 before April 13, 2005, and (571) 272-6812 after that date.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

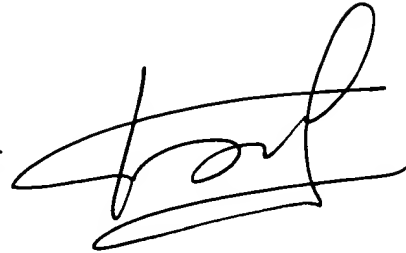
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or faxed to:

**(703) 872-9306**

[Official communications; including After Final  
communications labeled "Box AF"]

Igor Borissov  
Patent Examiner  
Art Unit 3639

A handwritten signature in black ink, appearing to read 'Igor', with a large, stylized flourish extending from the end of the name.

IB

3/29/2005